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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,154	07/14/2003	James Patrick Griffin JR.	91233.069703	6780
44331	7590	05/16/2006	EXAMINER	
HISCOCK & BARCLAY, LLP 2000 HSBC PLAZA ROCHESTER, NY 14604-2404			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,154

Applicant(s)

GRIFFIN, JAMES PATRICK

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) 16, 17 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 18-23 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/22/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Claim Rejections - 35 USC § 112

Claims 1-15, 18-23, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a door" on line 3 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the door set forth on line 1 or is attempting to set forth another door in addition to the one set forth above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Olton. Olton discloses a shock disperser affixed to a door D, comprising a door having planar surfaces (not numbered, but shown in figure 2 at the right hand end of the figure), a door reinforcing plate 14 having a first portion 17 covering a vertical edge of the door and extending a significant length of the edge, the door reinforcing plate having a second portion 15 covering an outer surface portion of the door, wherein the planar

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surfaces are not recessed or contoured proximate to the portions covered by the door reinforcing plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of Long. Olton discloses a security device affixed to a door D comprising a door having planar surfaces (not numbered, but shown in figure 2 at the right hand end of the figure), a door reinforcing plate 14 having a first portion 17 covering a vertical edge of the door and extending a significant length of the edge, the door reinforcing plate having a second portion 15 covering an outer surface portion of the door, wherein the planar surfaces are not recessed or contoured proximate to the portions covered by the door reinforcing plate. Olton is silent concerning a frame plate.

However, Long discloses a stainless steel reinforcing frame plate 10 affixed to a corresponding vertical portion of a door frame.

It would have been obvious to one of ordinary skill in the art to provide Olton with a frame plate and door frame combination, as taught by Long, to further increase the strength of the closure assembly.

Claims 1-3, 5, 6, 7, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of Childress. Olton discloses a security device affixed to a door D comprising a door having planar surfaces (not numbered, but shown in figure 2 at the right hand end of the figure), a door reinforcing plate 14 having a first portion 17 covering a vertical edge of the door and extending a significant length of the edge, the door reinforcing plate having a second portion 15 covering an outer surface portion of the door, wherein the planar surfaces are not recessed or contoured proximate to the portions covered by the door reinforcing plate. Olton is silent concerning a frame plate.

However, Childress discloses a door reinforcing plate 118 and a frame plate 110 affixed to a corresponding vertical portion of a door frame, the door includes a dead bolt assembly 44 and a latch assembly 40, the reinforcing plate includes a deadbolt passage (not numbered, but shown in figure 1) and a door latch passage (not numbered, but shown in figure 1) which communicate with a dead bolt receptacle 44, as shown in figure 3, and a door latch receptacle 42, as shown in figure 3, of the frame plate via first and second passages (not numbered, but shown in figure 3), respectively. The reinforcing plate 118 is connected to the door 10 with an adhesive. See column 4, lines 17-18.

It would have been obvious to one of ordinary skill in the art to provide Olton with a frame plate assembly, dead bolt assembly, latch assembly, and adhesive, as taught by Childress, to further increase the strength and security of the closure assembly.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of Long as applied to claims 1-3 and 7-10 above, and further in view of Barnes. Barnes discloses a door reinforcing plate B having widened portions C reinforcing surfaces of the door proximate a latch assembly.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with widened portions, as taught by Barnes, to increase the strength of the door adjacent the latch and dead bolt assemblies.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of Long as applied to claims 1-3 and 7-10 above, and further in view of Beitel. Beitel discloses a reinforcing device 18, 20 extending about all edges of a door 10.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with a reinforcing plate about the remaining edges of the door, as taught by Beitel, to protect of all edges of the door.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of Childress as applied to claims 1-3, 5, 6, 7, 9 and 12 above, and further in view of Stein. Stein discloses a silicon adhesive.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with a silicon adhesive, as taught by Stein, to increase the bond between the door and the door reinforcing plate.

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Claims 1-3, 7, 8, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of Anderson. Olton discloses a security device affixed to a door D comprising a door having planar surfaces (not numbered, but shown in figure 2 at the right hand end of the figure), a door reinforcing plate 14 having a first portion 17 covering a vertical edge of the door and extending a significant length of the edge, the door reinforcing plate having a second portion 15 covering an outer surface portion of the door, wherein the planar surfaces are not recessed or contoured proximate to the portions covered by the door reinforcing plate. Olton is silent concerning a frame plate.

However, Anderson discloses a frame plate 50 affixed to a corresponding vertical portion of a door frame and extends substantially the entire length of the vertical portion of the door frame. See column 3, line 47.

It would have been obvious to one of ordinary skill in the art to provide Olton with a frame plate, as taught by Anderson, to further increase the strength of the closure assembly.

Claims 1-3, 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of Raulerson et al. Olton discloses a security device affixed to a door D comprising a door having planar surfaces (not numbered, but shown in figure 2 at the right hand end of the figure), a door reinforcing plate 14 having a first portion 17 covering a vertical edge of the door and extending a significant length of the edge, the door reinforcing plate having a second portion 15 covering an outer surface portion of

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the door, wherein the planar surfaces are not recessed or contoured proximate to the portions covered by the door reinforcing plate. Olton is silent concerning a frame plate.

However, Raulerson et al. discloses frame plates 22a, 22b and 22c affixed to the vertical and horizontal portions of a door frame.

It would have been obvious to one of ordinary skill in the art to provide Olton with frame plates, as taught by Raulerson et al., to protect the door frame.

Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton as applied to claims 18-20 above, and further in view of Childress. Childress discloses a door reinforcing plate 118 and a frame plate 110 affixed to a corresponding vertical portion of a door frame, the door includes a dead bolt assembly 44 and a latch assembly 40, the reinforcing plate includes a deadbolt passage (not numbered, but shown in figure 1) and a door latch passage (not numbered, but shown in figure 1) which communicate with a dead bolt receptacle 44, as shown in figure 3, and a door latch receptacle 42, as shown in figure 3, of the frame plate via first and second passages (not numbered, but shown in figure 3), respectively. The reinforcing plate 118 is connected to the door 10 with an adhesive. See column 4, lines 17-18.

It would have been obvious to one of ordinary skill in the art to provide Olton with a frame plate assembly, dead bolt assembly, latch assembly, and adhesive, as taught by Childress, to further increase the strength and security of the closure assembly.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olton as applied to claims 18-20 above, and further in view of Beitel. Beitel discloses a reinforcing device 18, 20 extending about all edges of a door 10.

It would have been obvious to one of ordinary skill in the art to provide Olton with a reinforcing plate about the remaining edges of the door, as taught by Beitel, to protect of all edges of the door.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of Long and Olton. Barnes discloses a security device affixed to a door (not numbered, but shown in the figure), comprising: a door having planar surfaces (not numbered, but shown in the figure); a U-shaped door reinforcing plate B, C having an edge portion B covering a vertical edge of the door and extending substantially the entire length of the edge, the door reinforcing plate having an exterior portion C covering an outer surface portion of the door and an interior portion C covering an inner surface portion of the door; and wherein the planar surfaces are not recessed or contoured at the outer surface portion and the inner surface portion covered by the door reinforcing plate. Barnes is silent concerning a solid door and a frame plate.

However, Long discloses a stainless steel reinforcing frame plate 10 affixed to a corresponding vertical portion of a door frame.

It would have been obvious to one of ordinary skill in the art to provide Barnes with a frame plate and door frame combination, as taught by Long, to further increase the strength of the closure assembly.

Additionally, Olton discloses a solid door D.

It would have been obvious to one of ordinary skill in the art to provide Barnes with a solid door construction, as taught by Olton, to increase the strength of the closure assembly.

Response to Arguments

Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive.

With respect to the applicant's comments concerning Olton, the examiner respectfully disagrees. As shown in figure 1 of Olton, the door D includes planar surfaces defining the right and left sides of the door and the top and bottom of the door. It should be noted that only one side of the door is shown in figure 2. Each of the sides is generally perpendicular to the major side surfaces 11 and 12 of the door D and would be generally parallel to and facing the surfaces of the jamb defining the opening in the jamb. Although the applicant has argued that Olton fails to disclose planar surfaces that are not recessed or contoured because, according to the applicant, the surfaces 11 and 12 of the door D are recessed and contoured, the claims to not limit the planar surfaces to the surfaces 11 and 12. Therefore, Olton is still a valid reference since it discloses planar surfaces, as set forth above, which are not recessed or contoured and are covered by the door reinforcing plate.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant presented new claim 29 which necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

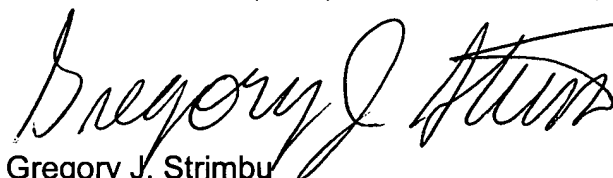
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-

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272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal line extending from the end of the signature.

Gregory J. Strimbu
Primary Examiner
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May 15, 2006